

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Amendment of Parts 1, 21, 73, 74 and 101 of	)	WT Docket No. 03-66
the Commission's Rules to Facilitate the	)	RM-10586
Provision of Fixed and Mobile Broadband	)	
Access, Educational and Other Advanced	)	
Services in the 2150-2162 and 2500-2690	)	
MHz Bands	)	
	)	WT Docket No. 03-67
Part 1 of the Commission's Rules - Further	)	
Competitive Bidding Procedures	)	
	)	MM Docket No. 97-217
Amendment of Parts 21 and 74 to Enable	)	
Multipoint Distribution Service and the	)	
Instructional Television Fixed Service	)	
Amendment of Parts 21 and 74 to Engage in	)	
Fixed Two-Way Transmissions	)	
	)	WT Docket No. 02-68
Amendment of Parts 21 and 74	)	RM-9718
of the Commission's Rules With Regard to	)	
Licensing in the Multipoint	)	
Distribution Service and in the	)	
Instructional Television Fixed Service for the	)	
Gulf of Mexico	)	

**COMMENTS OF THE TELECOMMUNICATIONS INDUSTRY ASSOCIATION**

The Telecommunications Industry Association (TIA) herein comments in response to the Notice of Proposed Rulemaking (NPRM) in the above-captioned proceeding.<sup>1</sup> TIA is the leading trade association representing the communications and information technology industry, with over 700 member companies that manufacture or supply the products and services used in global communications. Among their numerous

---

<sup>1</sup> FCC 03-56 (released Apr. 2, 2003).

lines of business, TIA member companies design, produce and deploy terrestrial and satellite wireless network and terminal equipment and thus are materially interested in the outcome of the issues before the Commission in this proceeding.

The Wireless Communications Association International (WCA), the National ITFS Association (NIA) and the Catholic Television Network (CTN) (collectively, “the Coalition”) proposal<sup>2</sup> to substantially change the rules governing the licensing of the Instructional Television Fixed Service (ITFS), the Multipoint Distribution Service (MDS), and the Multichannel Multipoint Distribution Service (MMDS) (collectively, the Services) in the 2500-2690 MHz band is a good start.

TIA supports consistency with the ITU’s IMT-2000 allocations, recognizing that global harmonization and coordination of spectrum should be a priority in order to ensure that businesses and consumers receive the benefits of economies of scale, interoperability among carriers, and seamless roaming across national borders.

Some commenters have advocated that the FCC create unlicensed “underlay” rights for very low-powered devices in this band. TIA believes that this proposal is premature. TIA contends that existence of the technology necessary for mass-producing devices capable of measuring and reliably adapting to the presence of background noise or “interference temperature” has not been demonstrated. Concepts such as the “interference temperature” today remain unproven and undefined. Allocations based on

---

<sup>2</sup> A Proposal for Revising the MDS and ITFS Regulatory Regime, submitted by the Wireless Communications Association International, Inc., the National ITFS Association and the Catholic Television Network, RM-10586 (filed Oct. 7, 2002).

anticipated advances in technology are dangerous, and should await the demonstrable existence of such technology at reasonable costs for widespread deployment.

The Coalition supports using the same out-of-band emission limits of  $43 + 10 \log_{10}(P)$  dB as required in the PCS band. TIA supports this proposal, which allows existing mobile systems to be redeployed into the 2.5 GHz band. However, to address potential coexistence problems on a market-by-market basis, the Coalition recommends that the rules be changed to require a licensee to take steps to attenuate out-of-band emissions by at least  $67 + 10 \log_{10}(P)$  dB upon written request from an adjacent channel licensee. Requiring a licensee to reduce its out-of-band emissions at the request of an adjacent channel licensee, however, is not something the FCC has done in the past. TIA believes that this new concept is unworkable.

TIA recognizes that ITU studies have shown that adjacent use of TDD and FDD technologies creates interference problems and that guardbands would be required based on current technologies. The same situation would occur for uncoordinated TDD technologies. Accordingly, if flexibility is provided for licensees to utilize either FDD or TDD, emissions at the edge of a licensee's authorized channel block will have to be reduced to a level that provides reasonable protection to an adjacent channel user. This likely will result in a user creating a guardband in its licensed spectrum block.

A “two-sided auction” refers to a Commission auction of licenses that makes available rights to previously unassigned spectrum, held by the Commission, and rights to spectrum previously licensed. In such a “two-sided auction,” incumbent licensees may bid on licenses that include licenses associated with spectrum previously licensed to

them. The FCC believes that making available in a single auction new licenses to use ITFS spectrum in currently unassigned areas along with spectrum made available by incumbent ITFS licensees, and potentially incumbent MDS licensees as well, would enable interested parties to restructure the band rapidly by helping them learn the cost of combining and obtaining encumbered and unencumbered spectrum for new uses, without engaging in costly and time consuming bilateral and multi-lateral negotiations. The FCC concludes that it can conduct such an auction consistent with its mandate and authority under Section 309(j). TIA cannot comment on the feasibility and effectiveness of a two-sided “restructuring” in the absence of more specific details on how such a concept would work.

TIA requests that the Commission take into consideration the views expressed above.

Respectfully submitted,  
**Telecommunications Industry Association**

/s/ Bill Belt  
Bill Belt  
Director, Technical Regulatory Affairs

Derek R. Khlopin  
Director, Law and Public Policy

2500 Wilson Boulevard  
Suite 300  
Arlington, Virginia 22201  
(703) 907-7700

September 8, 2003